

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Josh Matheson

v.

Civil No. 17-cv-036-PB

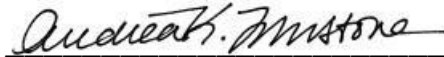
Kim Lacasse, New Hampshire
State Prison Warden Michael A. Zenk,
Corrections Officer Marc Miller, and
Corrections Officer John Batakis

REPORT AND RECOMMENDATION

In January 2017, pro se plaintiff Josh Matheson filed a complaint (Doc. No. 1), asserting that the conditions of his confinement at the New Hampshire State Prison ("NHSP") violated his Eighth Amendment rights. Matheson has not filed any documents in this action since filing that complaint. Matheson has neither paid the filing fee, nor filed a motion to proceed in forma pauperis, as ordered by the court. In addition, Matheson refused to be transported to court for a preliminary pretrial conference that was held on April 28, 2017.

In light of Matheson's evident intent not to prosecute this matter at this time, the district judge should enter an order dismissing the action, without prejudice, and should close this case. See Fed. R. Civ. P. 41(a)(2). Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). The fourteen day period may be extended upon motion. Failure to

file objections within the specified time waives the right to appeal the district court's order. See Santos-Santos v. Torres-Centeno, 842 F.3d 163, 168 (1st Cir. 2016).



Andrea K. Johnstone
United States Magistrate Judge

May 2, 2017

cc: Josh Matheson, pro se
Francis Charles Fredericks, Esq.